

**Distribution:**  
Sworn Personnel: X  
Civilian Personnel:  
NECC:

**P & P #** 3.18  
**Adopted** 05/05/09  
**Revised**

### **Chapter 3 Enforcement**

#### **POLICY AND PROCEDURE** **TRAFFIC ENFORCEMENT**

##### **I. PURPOSE:**

The purpose of this policy is to define aspects of the traffic control and the enforcement function of the Newtown Police Department. The guidelines used here apply to both uniformed patrol activities and traffic unit activities.

##### **II. GOAL:**

The goal of traffic enforcement and activity by the Newtown Police Department is to improve the quality of life for people in Newtown by efforts directed to control the negative effects of illegal behavior involving motor vehicles and to strive to achieve motorists' voluntary compliance with traffic laws and regulations. Activities should focus on efforts likely to improve driving behavior, to reduce the number of collisions and their severity, to promote a safe traffic flow, and to ensure fairness, justice, and responsibility to other people in the community as provided by law.

##### **III. POLICY:**

Proper use of authority and discretion, and the focus and degree of enforcement, should be related in perspective from behaviors having a small potential for minor negative consequences to behaviors that have the potential for, or actually result in, serious negative impact on people's lives. These principles must be understood by all officers so that our mission and our strategies are followed and met. It is the policy of this agency that all enforcement actions be accomplished in a firm, fair, impartial and courteous manner. It is also a policy of this agency that all uniformed officers take appropriate action for each violation of traffic laws witnessed or reported to them.

##### **IV. PROCEDURES:**

###### **A. SELECTIVE ENFORCEMENT**

The Department will base its selective traffic enforcement activities on the analysis of the following elements:

1. Traffic collision locations
2. Contributing circumstance data
3. Enforcement activity records
4. Traffic volume and conditions
5. Causative patterns
6. Violation factors

## 7. Community complaints and concerns

Selective enforcement techniques, such as the use of speed monitoring devices, the speed trailer, the preventative presence of patrol cars, use of unmarked/marked car teams, and other appropriate methodologies will be utilized when available and at the discretion of the supervisory staff. Upon completion of selective enforcement activities/assignments, a copy of related documentation will be forwarded up the chain of command for evaluation.

### B. ENFORCEMENT ACTIONS:

Enforcement action of traffic laws should have a qualitative and quantitative emphasis. When circumstances warrant, especially in the case of inadvertent violation, lesser degrees of enforcement can be considered. Various traffic enforcement actions are described as follows:

#### 1. Verbal Warnings

Verbal warnings may be issued at the discretion of the Officer. Verbal warnings should only be given if extenuating circumstances exist for a violation. Typically, verbal warnings are given for ignorance of certain rarely enforced violations or in the case of a condition the driver was not aware of.

#### 2. Written Warnings

Violations that are minor in nature or degree may be enforced by the issuance of a State of Connecticut Warning Ticket. Written warnings are the appropriate alternative in response to minor moving traffic offenses committed in those areas where traffic accident potential is minimal. More significant enforcement action should be taken where the violator has received prior warnings for similar violations, or the effect the violation has had on others. In cases of violations concerning possession of alcoholic beverages in motor vehicles by underage operators (State Statute 14-111 a) written warnings shall be issued. Written warnings may be issued for equipment violations or passing school bus violations.

#### 3. Infraction Tickets

Infractions are one method of deterrence to ensure compliance with the applicable traffic laws of the State of Connecticut where infractions are authorized. Typically in traffic enforcement, infractions are used when the violations jeopardize the safe movement of pedestrians and vehicles.

#### 4. Misdemeanor/Motor Vehicle Summons

A summons can be used in those cases where the statute requires an arrest/court appearance. Sometimes a physical arrest may or may not be necessary.

#### 5. Physical Custodial Arrest

Officers should affect the custodial arrest of any person in violation of laws pertaining to:

- Driving while intoxicated
- Using a motor vehicle without the owner's permission
- Negligent homicide and any offense(s) involving an accident resulting in death
- Evading responsibility and other misdemeanor offenses.
- Any other incident in which physical arrest is appropriate.

#### 6. Uncorroborated Violations:

Motor vehicle violations reported by citizens will be investigated. Generally on first offense complaints, written enforcement action will not be taken unless the officer

witnesses the violation. Exceptions to this are:

- Repeated offenses and complaints, and the complainant and or witnesses give written statements that disclose sufficient probable cause.
- There is more than one independent witness who will give a written statement
- The witness is a police officer and a statement is taken from the police officer.

7. Town of Newtown Citations:

The Town of Newtown has established an **ordinance citation** violation system. Many parking violations can be a violation of state law or local ordinance. In addition, the Town has adopted local ordinances to regulate unique situations, behaviors or events. Officers will have the option of issuing for Town of Newtown ordinance violations, a Newtown Department of Police Services citation or a State of Connecticut Infraction Complaint Ticket.

C. OFFICER/MOTORISTS INTERACTIONS:

Traffic law enforcement is generally a routine event for officers, but for the violator, it may be the first time and can be an emotional event. This interaction should result in the violator feeling that the officer performed his task in a professional and friendly manner. When communication is initiated with a violator, the officer should bridge the human relations aspect with the necessity of traffic enforcement. The human relations aspect demands the officer be flexible when warranted to minimize conflicts. In no way should officer safety be jeopardized when interacting with motorists and/or passengers. When an Officer charges a motorist with a motor vehicle violation or infraction the Officer shall provide the following information to the cited party:

- Court appearance date, if applicable
- Whether a court appearance is mandatory or optional
- Whether the motorist is allowed to enter a plea or pay the fine by mail through established State of Connecticut infractions bureau protocol.
- Any other pertinent information that the motorist should be advised of (e. g: for violations of cell phone use, the operator has the option of purchasing a hands free device in lieu of paying the fine).

D. GENERAL ENFORCEMENT:

The ultimate aim of uniform traffic enforcement is to foster voluntary compliance with traffic laws and regulations. To this end, vigorous enforcement is a matter of policy. However, Officers are expected to exercise professional judgment concerning the circumstances surrounding any violation, bearing in mind the goal of public confidence in the effectiveness and fairness of enforcement practices. Under no circumstance will the personal characteristics of a violator (e.g. race/ethnicity, gender, political content of bumper stickers) be a factor in traffic enforcement decisions (P & P 3-11 Racial Profiling).

Officers are free to use reasonable discretion in the enforcement of motor vehicle violations, except in those selective enforcement assignments where specific guidelines have been established by a Supervisor or the Chief.

1. Intersections

Intersection enforcement of stop signs and traffic lights is strongly encouraged.

2. Speeding violations

Officers may exercise discretion when deciding if a citation is appropriate, taking into account the degree of the violation, road conditions, weather conditions, traffic volume, and pedestrian safety. Legally, there is little defense for exceeding the posted speed limit or for driving faster than the speed permits. Generally, a minimum of 5 mph over the posted limit is the beginning threshold for written enforcement action. Generally, any speed 11 mph or greater over the posted speed limit is unique enough to warrant an infraction ticket. Regardless of the enforcement action taken, officers should remember that there is a direct correlation between excessive speed and traffic accidents, therefore, officers are permitted to use their discretion and the guidelines herein in determining appropriate enforcement.

3. Suspension/Revocation of Operator License

The Patrol Officer is frequently in the position of encountering drivers who are unable to produce a driver's license. This could be the result of various actions by the driver, the court, or the Department of Motor Vehicles. Officers encountering such circumstances should:

- Check for the current status of operator through the MDT or NECC, referencing name, address, date of birth, and operator license number, if available.
- If the violator was issued a license in the State of Connecticut which has been suspended, then the violator should be issued a summons, and/or taken into custody to appear in court on the proper date for violation of C.G .S. 14-215 (Driving under suspension). The violator's license, if in their possession, will be confiscated and returned by the Officer, via U.S. Mail, to the DMV suspension unit. Exigent circumstances may exist which may allow for summons in the field with a signatory for PTA.
- If the violator has a license from another state which has been suspended the violator will be issued an Infraction for violation of CGS 14-36a (Driving without a license). Out of state licenses will not be seized.
- The driver should not be allowed to drive from the traffic stop location without a valid license. Other arrangements should be made (e.g. a licensed driver, tow truck, etc.).

4. Equipment Violations

A warning ticket or infraction will be given when a vehicle is found to be in violation of equipment requirements.

In serious defective equipment instances, an arrest may be made for reckless driving when a person knowingly operates a motor vehicle with defective equipment, or fails to use or not use equipment properly, such as a commercial truck operated on a downgrade with the clutch or gears disengaged.

5. Public Carrier/Commercial Vehicles

Uniform enforcement policies and procedure outlined in this directive are applicable. All violations by public carriers and commercial vehicles will be handled in accordance with relevant state statute. In addition, consideration should be given to utilizing the department's certified commercial truck enforcement officer.

6. Multiple Violations (Concurrent)

If the Officer observes a lesser violation directly related to a greater charge, the Officer should cite the violator for the greater charge. Cause for the initial vehicle stop should always be cited or stated.

7. Newly Enacted Laws/Regulations

When there is a new law or regulation, the Department administration will issue information regarding these laws and regulations. Enforcement will be based on the guidelines in this section.

8. Traffic Accident Enforcement Actions

Whenever an Officer investigating an accident detects a violation of a traffic law and when evidence exists to satisfy all the elements of the particular violation, enforcement action will be taken. Enforcement action includes verbal warnings, written warnings, infractions, summonses, and physical arrest. P & P 7.02 lists appropriate enforcement options available to officers investigating traffic accidents. If no enforcement is going to be taken at a traffic accident, officers must first get an opinion from their supervisor. Officers must not gauge the appropriate enforcement with the severity of the accident. Traffic accidents often occur because of traffic violations, which violation if observed prior to an accident, would warrant an infraction. Therefore, officers must consider the potential in all traffic accident enforcement actions.

9. Pedestrians or Bicycles

Officers will take appropriate enforcement action when pedestrian or bicycle violations are observed. Officers will concentrate their efforts on these violations in those areas where pedestrian and bicycle accidents and complaints have been frequent.

10. Off-Road Vehicle Enforcement

Investigating the use of recreational vehicles on private property will be done only upon receiving a complaint. If the owners' permission is not granted for the person or vehicle to be there, the Officer shall take the necessary enforcement action. Off road vehicles operating on Town roads pose a particularly dangerous situation for all persons, therefore officers should be vigilant in their enforcement. Towing of recreational vehicles will only be made in accordance with Department policy.

Juvenile offenders will be interviewed and may be referred to the Juvenile Court. Parents or guardians of the juveniles shall be called as soon as possible.

Accident investigations of off-road recreational vehicles on private property or public roadways will be investigated as would regular motor vehicle accidents.

11. Hazardous Violations

Hazardous traffic law violations are defined as those violations of any law or regulation affecting the use or protection of streets or highways, enacted primarily to regulate the safe movement of vehicles and pedestrians. It is the Department's policy to issue citations, infractions or arrest when appropriate, for hazardous moving violations, hazardous parking situations and operating unsafe or improperly equipped vehicles.

12. Non-Hazardous Violations

A minor non-hazardous traffic violation shall be treated the same as any other vehicle violation.

13. Referral of drivers for reexamination

Officers detecting a driver who is suspected to be incompetent through physical or mental disability, disease, or other condition which might prevent the person from exercising reasonable and ordinary care operating a motor vehicle, will complete the N-105 form requesting the operator be retested. The operator's license will be seized and sent to the DMV with the N-105 form in accordance with CGS 14-271-1.

E. ENFORCEMENT, SPECIAL SITUATIONS

The following circumstances require a response of a different nature than under normal

circumstances.

1. Non-Resident Traffic Violators

A person issued an infraction complaint, who is a resident of Connecticut or of a state which has a reciprocal agreement with Connecticut (No Bail Compact) shall not be required to post bond. Persons who are residents of non-reciprocal states shall be required to post a cash bond or guaranteed bail bond equivalent to the total of the fine, fees, or costs established in the fee schedule.

2. Juveniles and 16-17 year olds

Persons under age 16 who are charged with any violation of motor vehicle laws will be referred to Juvenile Court using the appropriate referral form. Parents or guardians of juveniles shall be called as soon as possible. Some special situations exist for 16-17 year old drivers who are charged with certain violations. Officers must be familiar with the current law regarding 16-17 year old violators.

3. State Legislators Political Officials

State legislators or other political officials shall be handled in the same manner as any other motorist, as no immunity exists with regard to criminal or motor vehicle laws.

4. Foreign Diplomats/Consular Officials

Diplomatic and Consular Officers should be given immunities as directed by international law and federal statutes. These officials should be treated with the courtesy and respect that befit their distinguished positions. At the same time, however, it is the duty of all persons enjoying such privileges and immunities to respect local laws and regulations.

Diplomatic immunity, a principle of international law, is broadly defined as the freedom from local jurisdiction accorded to duly accredited diplomatic Officers, their families, official staff, and servants, who are not nationals of, nor permanently resident, in the receiving state. They are protected by unlimited immunity from arrest, detention, or prosecution with respect to any civil or criminal offense under current U.S. Law (22 *US.e. 252*).

Diplomatic immunity is also defined as the exclusion from federal or local jurisdiction accorded under international law by the receiving state (the United States) to certain duly accredited diplomatic, consular, or other official personnel of a Foreign Mission. As such, the following principles will apply:

- Ambassadors and ministers are the highest ranking diplomatic representatives of a foreign government. Other diplomatic titles are Minister Counselor, Counselor, First Secretary, Second Secretary, Third Secretary, and Attaché.
- Career consular officials can be identified by credentials issued by the U.S. Department of State. The U.S. Department of State credential bears its seal, the name of the Officer, his title, and the signatures of State Department officials.
- Honorary consular officials do not receive identification cards from the State Department, but may exhibit reduced size copies of the diplomatic note evidencing recognition by the United States Government. These individuals are not immune from arrest or detention.

Family members of a Consular Officer cannot claim immunity. When a driver who is believed to have diplomatic immunity is stopped for a moving traffic violation and has proper and valid identification indicating immunity, the enforcement Officer may issue an appropriate traffic citation or warning. Issuance of a traffic citation does not

constitute an arrest or detention. A copy of this action or any other suspicious actions may be cause to contact the FBI.

5. Military Personnel

Military personnel, for the purpose of this order, will include regular members of the Army, Navy, Air Force, Marine Corps, Coast Guard, National Guard, and reservists who are on active duty.

When a physical arrest is made, (not a traffic citation) particularly when a military vehicle is involved, the supervisor of shift will notify the liaison Officer of the nearest armed forces investigative headquarters division. The closest units to Newtown are:

- The U.S. Coast Guard Academy - 31 Mohegan Avenue, New London, CT 06320-81031. Phone: 860-444-8444 or 1800-883-USCG (8724)
- Fort Drum Army Base - New York, Military Police Station. Phone: 315-7725156
- Westover Air Reserve Base - 439th Airlift Wing, Chicopee, MA 01022. Phone: 413-557-1110
- Naval Sub Base - New London, Shore Patrol Phone: 860-694-3777

The Supervisor shall also make notification to the appropriate military unit when military personnel or on-duty civilian employees of the armed forces are involved in a serious traffic accident, are killed, or are injured so as to require hospitalization.

In any situation where U.S. government equipment/property is seized, towed, or confiscated, the appropriate governmental agency shall be notified by the Supervisor.

F. RADAR ENFORCEMENT:

When applicable, the Newtown Police Department will use visible traffic enforcement practices (and Radar) to achieve Department enforcement goals. Stationary observation, both covert and overt, may be utilized as needed. When appropriate, both unmarked and unconventional vehicles as well as roadside safety checkpoints will be utilized. Unmarked police vehicles, however, will normally not be used for stopping offenders unless authorized by a supervisor or by members of the traffic unit.

Radar & Laser Units

The Department will use speed measuring devices in high or potentially high accident locations when speed is a factor, in areas where speed limit violations are prevalent, and in response to citizen complaints concerning speeding motorists. The Training Division will ensure that all speed measuring device users are properly trained and certified where applicable.

An equipment Officer/Supervisor will be assigned to:

- Ensure that adequate care, maintenance, calibration and operational record systems suitable for introduction as evidence in court are maintained.
- Ensure that all speed measuring devices are certified and radar tuning forks are calibrated, at a minimum, every 12 months.
- Ensure speed measuring device specifications meet the standards of the National Highway Traffic Safety Administration.
- Ensure operation manuals are available for each device.

RADAR trailer

A portable radar trailer display is presently available and will be used in public areas to increase citizen awareness in order to discourage speeding.

## G. ALCOHOL, DUI ENFORCEMENT:

It is, the policy of the Newtown Police Department to undertake Driving Under the Influence (DUI) enforcement in the Town of Newtown through both the normal operations of the patrol division and the specific activities of several programs created with the primary purpose of mitigating alcohol related driving violations.

Special programs include, but are not limited to:

1. Special DUI patrols fielded at high activity times of the year as determined by NHSTA Analysis.
2. Ongoing training for selected patrol Officers in advanced DUI detection school offered by POSTC.
3. Ongoing training in the Newtown School System by Officers to discourage DUI activities.
4. The countermeasure programs that are coordinated by Operations Commanders.

### DUI Enforcement

Patrol Officers must be alert for signs of alcohol and/or drug impairment at all times while on duty. Special attention should be given by Officers during the late night and early morning hours. Erratic operation of a motor vehicle is to be investigated by Officers to determine the cause of the erratic operation, then to take whatever action necessary to correct the problem.

All Officers will be familiar with DUI detection and the standardized field sobriety tests. If any Officer recognizes a need for additional training in either area, he or she should advise their supervisor.

### DUI Arrest Procedures

The following procedures will be used by Officers when processing DUI arrests at Police Headquarters:

1. Secure the suspect's property.
2. Read the implied consent advisory from the rear of the State of Connecticut A-44 form to the subject.
3. After the subject has been given a reasonable opportunity to contact an attorney the Officer will request that the subject submit to the test chosen by the Officer (blood, breath, or urine)
4. Chemical testes) will be offered in accordance with Connecticut General Statute 14-227a, Operation of a Motor Vehicle While under the Influence of Alcohol, Drugs, or both
5. If the person arrested refuses to submit to such test or analysis, or submits to such test and the results indicate a blood alcohol level of .08 or higher at the time of the alleged offense, the police officer shall immediately revoke and take possession of the operator's license, and suspend their operating privilege for a period of twenty four hours.
6. Non-resident out-of-state licenses will not be seized, however, their driving privileges will also be suspended for twenty four hours in the State of Conn.
7. Seized licenses will be left in the sergeant's office in an envelope or other suitable manner with the suspect's name and the date/ time the license can be released.
8. The subject will then be incarcerated or released to a responsible third party at the discretion of the Officer in charge. The subject will not be released on a WPTA per CGS 14-140

## H. PARKING ENFORCEMENT

The goals of the Newtown Police Department in enforcement of parking violations are to ensure safety and traffic flow, to allow for fair and equal access to parking, and to allow for efficient snow removal and sanding / salting during the winter season.

The Town of Newtown Citation is the primary enforcement tool. State of Connecticut Infraction tickets may also be used when appropriate and warranted. Verbal warnings may be appropriate for minor violations where the driver is at the scene.

1. **Handicapped Parking Violations**

A legal space reserved for handicapped parking is one established by the state traffic commission or the police commission designated with an above grade sign bearing the legend, "handicapped parking - state permit required" and "violators will be fined." The sign shall also bear the international symbol of access. Any vehicle parked in such a space shall display either the special parking identification card or a special set of license plates issued by the commissioner of motor vehicles pursuant to Section 14-253a. Vehicles not displaying the appropriate card or plates may receive, at the Officer's discretion, a Town Ticket or an infraction ticket.

When issuing an infraction the following will be adhered to:

- The infraction shall be issued at the scene of the violation if the operator is present.
- A listing shall be obtained on the registration of the offending vehicle if the operator is not present. The infraction shall be made out naming the registered owner of the vehicle as the violator.
- The infraction complaint form will be processed in the normal manner except when the operator is not present.

2. **Parking Enforcement of Town Ordinances** Officers will issue parking tickets for violations of town parking ordinances. When enforcing parking violations, particularly in residential areas, the Officer should first attempt verbally to correct a parking violation. If compliance is not achieved, a parking ticket should be issued using the following procedure:

- A Town of Newtown Ordinance Citation will be filled out completely in ink or the officer can use a State of Connecticut Infraction ticket.
- The ticket will be left on the vehicle in a prominent place where it is likely to be found by the operator. The ticket leftovers will be attached to a copy of the vehicle registration printout and placed with shift paperwork to be reviewed by the shift Sergeant prior to forwarding to the Records Division.

3. **Blocking the roadway.**

Partial blocking of the roadway or obstructing traffic is not necessarily a violation. Parking on a roadway which causes a partial obstruction but still allows for one lane of vehicle travel is not necessarily a violation (absent a posted violation notice). Consideration must be given to:

- Time of day. One or two vehicles inconvenienced may not be cause for a ticket, while 10 vehicles backed up at rush hour may be cause.
- Time in place. How long has the vehicle been parked? A road that is sufficiently blocked to which a vehicle cannot pass through is a violation and is sufficient reason for the vehicle to be towed if the operator cannot be located in a timely manner. Towing of illegally parked vehicles will be done in compliance with State Statutes, Department policy and Newtown Town Ordinances.

**4. Driveways**

Vehicles partially obstructing a driveway will not be towed unless the obstruction is sufficient to prohibit use or exit from the driveway.

**5. Snow Ordinance**

Vehicles in violation of the snow ordinance will not be towed unless their location is deemed by an officer to be a clear obstruction of free passage on such roadway.

- I. UNIFORM TRAFFIC LAW ENFORCEMENT: The ultimate goal of traffic enforcement is to achieve voluntary compliance with laws. This policy provides guidelines for uniform traffic law enforcement in our pursuit to achieve the stated goal. These guidelines and procedures cannot and should not supplant an Officer's judgment, for it is impossible to foresee every conceivable situation involving traffic violations. In unusual circumstances, the Officer should decide what enforcement, if any, is appropriate, based upon a combination of training, experience, and common sense.





|  
|.







